

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-01/09-66
) & B-01/09-67
 Appeal of)

INTRODUCTION

The petitioners are a married couple who appeal the decision by the Office of Vermont Health Access (OVHA) to terminate coverage for chiropractic services. The issue is whether chiropractic coverage has been eliminated under the pertinent regulations. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioners are a married couple. They are both disabled and receive Medicaid and Medicare. Both have intractable pain including back pain. The wife has migraines associated with her back problems. They have been prescribed pain medication but have found that the medications are not effective. They have both tried physical therapy to no avail. They have only found relief for their back pain through chiropractic services. The husband described situations in which he has called their chiropractor after office hours because his wife is in such pain and the chiropractor has seen the wife or given advice. They do not

understand why Medicaid payment for this type of treatment is being cut.¹

2. On December 19, 2008, as part of deficit reduction measures, the Joint Fiscal Committee of the Vermont Legislature mandated that adult chiropractic services would no longer be covered under Medicaid and the Vermont Health Access Program (VHAP).

3. OVHA sent petitioners notice during January 2009 that chiropractic coverage would no longer be covered by Medicaid or VHAP as of February 1, 2009.

ORDER

OVHA's decision is affirmed.

REASONS

Adult chiropractic care is an optional service under the Medicaid program. As part of the 2008 fiscal year budget authorization, the Legislature instructed OVHA to reinstate adult chiropractic coverage. Act 65 of the 2007 Legislature, Section 111b. Due to the turnaround in the State's economic health, the Joint Fiscal Committee took action to cut certain

¹ Petitioners are applying for an exception under the M108 program to fund chiropractic treatment.

expenditures on December 19, 2008 including adult chiropractic care under the Medicaid and VHAP programs.

OVHA completed expedited rule-making to eliminate adult chiropractic care pursuant to the Vermont Administrative Procedures Act with an effective date of February 1, 2009. Inasmuch as OVHA's decision is in accord with the regulation, it must be confirmed. 3 V.S.A. § 3091(d).

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